IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

WP(C).No. 9873 of 2007(A)

PETITIONER:

SUDHAN,SUDHA BHAVANAM,CLAPPANA P.O,
KULASEKHARAPURAM.

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENTS:
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1. TRAVANCORE DEVASWOM BOARD,REPRESENTED BY
ITS SECRETARY,THIRUVANANTHAPURAM.

2. THE ASSISTANT DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BAORD,KARUNAGAPPALLY,KOLLAM.

3. THE ADMINISTRATIVE OFFICER,MAJOR
PADANAYARKULANGARA
DEVASWOM,KARUNAGAPPALLY,KOLLAM.

BY ADV. SRI.K.N.VENUGOPALA PANICKER, SC, TDB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/05/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.
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W.P(c) NO.9873 OF 2007
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Dated this the 28th day of May, 2007

J U D G M E N T

Radhakrishnan, J.

This writ petition was preferred challenging Exhibits P1 and P4 notices issued by the Board against claiming enhancement of lease rent at the rate of 10% per year for three years.

Counsel for the petitioner referred to Ext.P3 judgment and prayed for same relief. We cannot under Article 226 of the Constitution decide what is the reasonable rent for the shop, which is purely contractual. Petitioner, if so advised may move appropriate forum for fixation of fair rent, if it is legally possible. Petition under Article 226 cannot be entertained. Writ petition is therefore dismissed.

K.S.RADHAKRISHNAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp